



# Licensing

November 1995

## CHILD DEVELOPMENT PROGRAMS ADVISORY COMMITTEE

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### CHILD DAY CARE LICENSING

To protect the health and safety of children, California has regulated child day care through licensing laws for over forty years.

*Of the more than six million California children  
14 years of age or younger,  
586,000 children are enrolled in licensed child  
day care centers and 316,000 are enrolled in  
licensed family day care homes.*

### CHILD DAY CARE CENTERS

There are approximately 12,000 child day care centers licensed in the state providing space for nearly 600,000 children. Child day care center licenses are issued on a perpetual basis and come in four forms:

- **"Day Care Centers"** provide nonmedical care and supervision in a group setting on less than a 24-hour basis.
- **"Infant Care Centers"** serve infants from birth to 2 years of age.
- **"School-Age Child Day Care Centers"** serve children enrolled in kindergarten and above.
- **"Day Care Centers for Mildly Ill Children"** serve sick children.

**PLAN OF OPERATION:** The plan of operation includes a statement of purpose, methods and goals; admission policies; copy of admission agreement; administrative organization; staffing plan; qualifications and duties; plan for in-service education of staff; sketch of building(s) and grounds; sample menus and meal schedule; transportation arrangements; rate setting policy; and consultant and community resources to be utilized.

**CRIMINAL RECORD CHECKS:** Employees and operators of centers are required to be fingerprinted: Fingerprints are sent to the Department of Justice for criminal record clearance. A child abuse index check is completed for center employees and operators.

**CHILD-TEACHER RATIOS:** Centers must have one teacher for every four infants under two years of age and one teacher for every 12 children two to five years of age. Centers have the option of operating a toddler program with ratios of one teacher for every six children between the age of 18 months and 30 months of age.

**FIRE CLEARANCE:** Facilities must secure and maintain a fire clearance approved by the city or county fire authorities.

**WATER SUPPLY CLEARANCE:** If water for human consumption is from a private source, it must be tested and approved by health authorities.

### FAMILY DAY CARE HOMES

California has approximately 43,000 family child care homes licensed in the state providing space for over 300,000 children. Child care is provided in the home of the caregiver. Family day care is divided into two groups for purposes of licensing requirements:

- **Small Family Day Care Homes** allow one caregiver to provide care to either a total of six children, including no more than three children under 2 years of age, or a total of four children under 2 years of age.
- **Large Family Day Care Homes** are allowed up to twelve children in care if there is a second caregiver present when more than six children are being provided care. This includes a maximum of four infants.

*License applicants must meet the following requirements:*

**FINANCIAL STATEMENTS:** The applicant must provide a brief statement showing they are financially secure to operate a Family Day Care Home.

**FIRE:** The applicant must show evidence that the home contains a fire extinguisher and smoke detector device. Large family day care homes must secure and maintain a fire clearance from the local fire authorities.

**CRIMINAL RECORD CHECK:** Fingerprinting of the applicant and any other adult in contact with the children is required. A child abuse index check is also required.

**TUBERCULOSIS CLEARANCE:** A current tuberculosis clearance is required for the applicant and other adults in contact with the children.

## LEGISLATIVE AND COMMUNITY ACTION PROJECT

**WHO'S EXEMPT FROM LICENSING:** Any public or private child day care facility must obtain a license before beginning operation unless they are exempt. Exemptions include:

- Health and clinic facilities as specified by the Health and Safety Code.
- Family Day Care Homes providing care for children of one family in addition to the operator's own children.
- Cooperative care arrangements between parents for day care of their children by parents involving no payment for care and where no more than 12 children are receiving care in the same place, at the same time.
- Care and supervision by a relative.
- Certain public and private schools operating programs before and after school for school-age children.
- Recreation programs as specified by the Health and Safety Code.

**WHO ISSUES LICENSES:** The Department of Social Services (DSS) is the State agency vested with authority for licensing. Through its field offices or contracts with county welfare departments, DSS reviews and acts upon child day care license applications.

**COMPLAINTS:** If a county welfare department or DSS receives information or a complaint concerning a child day care facility, they can inspect the facility, evaluate its compliance with state requirements and, if necessary, revoke its license. A site visit is required within 10 days of receiving a complaint. Licensing regulations address minimum health and safety standards. Licensing does not regulate curriculum or developmental aspects of child care programs.

**MONITORING:** DSS inspects every child day care center at least once a year. Family day care homes have site visits by the county or DSS to evaluate operations at least every three years. If deficiencies are noted, the facility is cited and must take corrective action. Failure to take corrective action results in a civil penalty assessment or possible revocation of the license. Most violations are resolved without revocation of the provider's license.

**CHILD CARE ADVOCATE PROGRAM:** Established in the Licensing Division of DSS in 1985, the Child Care Advocate Program, formerly known as the Child Care Ombudsman Program, works with local child care groups, the media, and law enforcement. Child Care Advocates follow up on complaints about the licensing process and facilitate resolution of child care and licensing issues.

There are four Child Care Advocates, one located in each of the following DSS regions:

*Northern Region  
Coastal Region  
Los Angeles Region  
Southern Region*

**DSS/COUNTY LICENSING FACILITIES:** Twelve counties in the state license family day care homes under direction of DSS; thirteen DSS field offices license all remaining facilities.

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*Child care licensing activities in fiscal year  
1994-95 totaled \$34.5 million.*

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### ISSUES

**FAMILY DAY CARE HOMES:** Existing law authorizes the counties of Placer, Fresno, San Diego, San Luis Obispo, and Ventura to operate a pilot project to test the feasibility of permitting two additional children to be cared for in family day care homes if two of the children are 6 years of age or older. The pilot project terminates January 1, 1996. Senator Jack O'Connell introduced legislation in 1995 (SB 265) that would allow the program to expand statewide on a permanent basis. That bill will be taken up during the 1996 legislative session.

**LICENSING FEES:** As part of the 1992-93 budget act, fees for child day care licensing were established to capture some of the costs of the licensing program. Child care centers have an annual fee that ranges on a sliding scale from \$100 to \$500 depending on the center's capacity. Small family day care homes have an annual license fee of \$25. Large family day care homes' annual fee is \$50. DSS estimates revenues of approximately \$7.3 million from all community care licensing activities for fiscal year **1994-95** (this includes foster family agency and other residential programs in addition to child care licensing activities).

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### SOURCES

California Department of Social Services.  
California Department of Finance, Statistical Population Projections.

*Updated by Erica Benson-Hallock, Project Director*

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